

### REMARKS/ARGUMENTS

First Applicant would like affirm the election/restriction of prosecution to claims 1-16 while reserving the right to file divisional application on claims 17-22.

Next, in response to the rejection of claims 9-16 under 35 U.S.C. §112, Applicant has amended claims 9-16 by changing the term "or" to --and--.

Applicant has reviewed and considered the claim rejections under 35 U.S.C. §103 and examined the references used therein, specifically Smith, Jr., *et al.*, Okey, Small, *et al.*, Mullens, *et al.*, Frank, *et al.* and Ogawa patents, and believes that none of the references alone or in combination disclose or suggests the Applicant's invention as now claimed.

More particularly, with regard to paragraph 7 of the office action wherein claims 1 and 2 have been rejected based on Smith, Jr., *et al.* in view of Okey, a review of the cited references shows that Smith, Jr., *et al.* discloses a laminate plank which is rigid for use in installation. Smith, Jr., *et al.* uses a scrim (63) to provide rigidity for the plank. On the other hand, Applicant's device is a pliable and formable reflective insulating material that has an internal mesh (see item 5 in Fig. 1) to provide some structural support, yet allow the material to be flexible so it can be formable into ducts and for other purposes as shown in Figs. 2, 3 and 4.

A review of Okey discloses a polyamide composite for insulation, which again, like Smith, Jr., *et al.*, is rigid. It may have foil on one side but contains no internal mesh. If Smith, Jr., *et al.* and Okey were combined, the result would be a rigid laminate composite with a foil on one side, without an internal mesh.

A review of paragraph 8 of the office action in which claims 3-8 were rejected based on a combination of Smith, Jr., *et al.*, Okey, and Small, *et al.* reveals that Small, *et al.*, just like Smith, Jr., *et al.* and Okey, discloses a rigid insulating material that does not have an internal mesh and would not be pliable so it could be formed into ducts and other structural items. Thus, adding Small, *et al.* to the mix still would not result in Applicant's invention as now claimed.

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Reviewing paragraph 9 of the office action in which claims 9-16 are rejected based on Smith, Jr., *et al.* in view Okey and further in view of Mullens, *et al.*, Applicant notes that Mullens, *et al.* is again a rigid item for use in forming containers for cryogenic materials. Although it uses a steel mesh for a liner (26) and a floor (24) (see column 4, lines 4-7 of Mullens, *et al.*), such mesh is not embedded between layers of foam as in Applicant's invention. Thus, again, combining Mullens, *et al.* with the other references still would not yield Applicant's invention.

Next, in paragraph 10 of the office action claims 1 and 2 have been rejected based on combining the Smith, Jr., *et al.*, Frank, *et al.* and Okey patents. Applicant notes that Frank, *et al.* discloses a sound absorption board with no reflective foil on the outer surface. Thus, even if Frank, *et al.* was combined with Smith, Jr., *et al.* and Okey, it would not result in Applicant's invention as now claimed.

Finally, Applicant has reviewed paragraph 11 of the office action in which claims 3 and 4 were rejected based on the Frank, *et al.*, Okey and Ogawa patents. Applicant notes that Ogawa discloses a sound reduction cover for a internal combustion engine which does not contain an internal mesh like Applicant's


invention, but rather is rigid so it could not be formable into ducts and other items like Applicant's invention. Accordingly, a combination of these references does not yield Applicant's invention as now claimed.

In response to this office action, Applicant has amended independent claims 1, 17 and 18 to emphasize one of its major distinction from the prior art which include that it is pliable so it is capable of being formed into ducts and other structural items.

In view of the above amendments and remarks, Applicant believes the examiner will now find this patent application in a position for allowance and its expeditious passage to same is requested.

Should the examiner disagree or have any questions, comments or suggestions that will render this application allowable, a call to the undersigned attorney of record is invited.

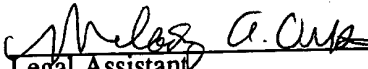
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**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

I HEREBY CERTIFY that the above Response and Amendment is being deposited with the United States Postal Service by first class mail on the 10 day of April, 2003, addressed to Mail Stop No Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Legal Assistant